

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ENZO BIOCHEM, INC., *et al.*,

Plaintiffs,

-v-

MOLECULAR PROBES, INC.,

Defendant.

ENZO BIOCHEM, INC., *et al.*,

Plaintiffs,

-v-

PERKINELMER, INC., *et al.*,

Defendants.

ROCHE DIAGNOSTICS GMBH, *et al.*,

Plaintiffs,

-v-

ENZO BIOCHEM, INC., *et al.*,

Defendants.

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No. 03 Civ. 3816 (RJS)
ORDER

No. 03 Civ. 3817 (RJS)
ORDER

No. 04 Civ. 4046 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

Now before the Court is a joint letter, dated June 11, 2014 and submitted under seal, from Greenberg Traurig and Enzo Biochem, Inc. and Enzo Life Sciences, Inc. (collectively, "Enzo") regarding Greenberg Traurig's contemplated motion to set the value of its charging lien in each

of the three related matters pending before the Court (the “Enzo matters”). Apparently, the parties were unable to agree on a briefing schedule or a discovery timeline in connection with Greenberg Traurig’s motion. After reviewing the parties’ respective proposals, the Court concludes that Enzo’s request for discovery is premature. Accordingly, IT IS HEREBY ORDERED THAT Greenberg Traurig shall submit its initial brief no later than June 25, 2014, Enzo shall submit its opposition brief no later than July 14, 2014, and Greenberg Traurig shall submit its reply, if any, no later than July 28, 2014. If Enzo requires discovery in order to respond to Greenberg Traurig’s motion, this schedule may be adjusted. With respect to any contemplated discovery, IT IS FURTHER ORDERED the parties shall confer and make a good faith effort to agree on the proposed scope of discovery. If this is impossible – and the Court sees no reason why it should be – IT IS FURTHER ORDERED that the parties submit a joint letter to the Court, not to exceed five pages, explaining the dispute, including precisely what discovery is requested, and the reasons why Enzo is or is not entitled to the enumerated discovery.

Given the presumption in favor of open records applicable to court documents as articulated in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006), IT IS FURTHER ORDERED THAT, by June 23, 2014, the parties shall submit via email a jointly proposed redacted version of the June 11, 2014 letter. Upon approval by the Court, the redacted versions will be publicly docketed in the Enzo matters.

SO ORDERED.

DATED: June 16, 2014
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE